

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- against - : 06 Cr. 893(KMK)

YAW NKETIA, :

a/k/a "Caesar," :

Defendant.

- - - - - X

GOVERNMENT'S PROPOSED EXAMINATION OF PROSPECTIVE JURORS

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- Of Counsel -

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The Government respectfully requests that the Court include the following in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure and to follow up with additional questions where appropriate.

I. General Statement of the Case

This is a criminal case. The defendant has been charged with violating certain provisions of the criminal laws of the United States. This charge is contained in an Indictment which was voted by a Grand Jury. The Indictment is not evidence itself but is a charge which the Government is required to prove beyond a reasonable doubt. More specifically, the violations charged in the Indictment are that the defendant aided and assisted in the preparation of false and fraudulent income tax returns.

We are about to select from among you the jurors who

will sit in this case. Both sides are entitled to know something about the people who sit as jurors. The law provides this procedure to insure that both the Government and the defendant receive the fairest possible trial. For this reason, I am going to ask you certain questions. They are not meant to embarrass you in any way, but only to elicit the basic information necessary to permit the parties and the Court to make an informed choice of jurors for the case.

II. The Parties, Witnesses, and Locations

1. Does any juror know or has any juror had any dealings, directly, or indirectly, with the defendant, Yaw Nketia a/k/a "Caesar" or his attorney Roland R. Acevedo?

2. The United States Government is represented in this case, as in all cases brought in this District, by the United States Attorney for this District, who is Michael J. Garcia. The conduct of this trial will be handled by AUSAs William Komaroff and Todd Blanche as well as Special Agent Leilana Luna of the Department of the Treasury, Internal Revenue Service. Does any juror know, or has any juror had any dealings, directly or indirectly, with any of these people or with any other member of the staff of the United States Attorney's Offices for the Southern District of New York?

3. This case involves alleged criminal violations of the Internal Revenue Code, which are federal laws. Is there

anything about this type of case that would make you hesitate to sit on a jury?

4. During the trial, the following witnesses may be called to testify:

Jeanne Moisa, of the IRS
Margo Dabney, of the IRS
Anji Small, an IRS special agent
Naana Anson
Beatrice Benson
Christiana Boakye
Joseph Gono
Klenam Anatsui
Felicia Amponsah
Comlan Agbodohfalscha
Peterson Appiahackah
Prince Bonsu
Edward Campbell
Frank Ndri
Frank Osafo
Barba Yamson

Do any of you know any of the people I have just named?

5. During the trial, there will be testimony concerning a business known as Caesar Tax and Brokerage Services, located at 2368 Jerome Avenue, Bronx, NY. Are you familiar with this business or location?

6. Has any juror through some experience or in any other way developed a bias or strong feeling against the United States Government, the Department of Justice, the United States Attorney's Office, the Internal Revenue Service, or any federal, state or local law enforcement agency?

7. Do any of you have a problem with your hearing or vision which would prevent you from giving full attention to this

trial?

8. This case involves possible criminal violations of the Internal Revenue Code, which are federal laws. This is not a civil proceeding. Is there anything about this type of case that would make you hesitate to sit on a jury?

III. Individual Questions For Each Juror

9. Please provide the following background information:

(a) What is the county and general section or community of your residence?

(b) What is your marital status?

(c) Do you have any children? If so, what are their ages and what do they do?

(d) What is the length of your residence at your present address? (If less than five years, please inquire as to prior residence).

(e) What is your present occupation, and how long have you been employed in your current employment? (If present employment is for less than five years, please inquire as to prior employment). (If retired, please inquire as to former occupation).

(f) (If married) What is your spouse's profession, business or occupation? (If spouse is retired, please inquire as to occupation before retirement).

(g) Have you had any training in accounting or tax law?

(h) What are your hobbies?

(i) From where do you primarily get your news?

(j) Are you a member of any clubs or organizations? (If yes, please inquire what clubs or organizations).

10. Is any member of your family or is a close friend employed by any law enforcement agency? Would your dealings with this person prevent you from rendering a fair and impartial verdict here?

11. Have you ever served as a trial juror or a grand juror in either the state or federal courts?

(a) If so, when and in what court did you serve?

(b) If you served as a trial juror was it in a civil or criminal case? Without telling us what the verdict was, did the jury reach a verdict?

12. Have any of you or has a relative or close friend ever been involved or appeared as a witness at trial, or before the grand jury, or before a legislative committee, licensing authority, or governmental agency?

(a) If so, would anything about your or their experience prevent you from being fair and impartial in this case?

13. Have you, or has any member of your family, or close friend, ever been charged with or convicted of a crime or been the subject of any investigation by a federal or state law enforcement agency or while in the military? If so, would you briefly state the circumstances of such charge, investigation or accusation? (It is respectfully suggested that jurors be allowed to discuss this matter with the Court and counsel in the robing room, if they prefer.)

14. Has any one of you ever been party to any civil dispute with the federal government, including such things as disputes with the Internal Revenue Service over income tax due or disputes with the Immigration and Naturalization Service?

15. Have you or any members of your family or any close friends to the best of your knowledge, had any experiences with the Internal Revenue Service, or any agency of the United States Government that would or could prejudice you for or against the Government?

16. Have you, your close friends, or relatives ever been audited or assessed a penalty by the Internal Revenue Service? If so:

(a) How long ago?

(b) Was the matter resolved to your satisfaction?

(c) Were you treated fairly and courteously by Government officials?

(d) Do you hold any grudges against the Government or against Government officials?

17. Are you, or any of your close friends or relatives, affiliated with, or a member of any group or organization, whether formal or informal, which is engaged in the study of or protest against the federal tax laws or the federal tax policy generally?

18. Do you prepare your own tax return or do you go to a professional tax preparer?

19. Under our system the facts are the province of the jury and the law the province of the Court. These two provinces are separate and distinct and just as I may not encroach upon your province, you may not encroach upon mine. In other words, when I give you the law at the close of this trial you are required to accept the law as stated. With this in mind, is there any juror who feels that for any reason he or she is not either willing or able to apply the law as stated by the Court?

20. Will each juror accept the proposition of law that the question of punishment is for the Court alone to decide, and that possible punishment must not enter into the deliberations of the juror as to guilt or innocence of the defendant?

21. Will each juror accept the proposition of law that sympathy must not enter into the deliberations of the juror as to guilt or innocence of the defendant, and that only the evidence

produced here in Court may be used by you to determine the guilt or innocence of the defendant?

22. Is any juror aware of any reason other than those that I have previously raised which leads you to believe that you cannot render a fair and impartial verdict here, without sympathy or prejudice?

Dated: New York, New York
March 5, 2007

Respectfully submitted,

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Southern District of New York
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